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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/686,663	10/11/2000	Jay A. Alexander	10961066-1	4949

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EXAMINER
WEST, JEFFREY R

ART UNIT	PAPER NUMBER
2857	

DATE MAILED: 02/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application N . 09/686,663	Applicant(s) ALEXANDER, JAY A.
	Examiner Jeffrey R. West	Art Unit 2857

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 February 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☒ The proposed amendment(s) will not be entered because:

   (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ they raise the issue of new matter (see Note below);

   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: *See Continuation Sheet*.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☐ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.

8. ☒ The proposed drawing correction filed on *10 February 2003* is a)☐ approved or b)☒ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

Continuation of 2: The recitation in the proposed amended claims requiring that the data structure be searchable is a new issue that was not earlier presented and would require additional search and/or consideration.

Continuation of 5: With respect to the drawing objections, Applicant has not corrected the following problems mentioned in paragraphs 2 and 3 of the previous Office Action:
Reference sign(s) "303" (page 26, lines 17+), "900" (page 42, line 5), "916" (page 42, line 28), "922" (page 43, line 3), and "928" (page 43, line 7) are mentioned in the specification but are not present in the drawings.
Reference sign(s) "932" and "1215" are not mentioned in the specification but are present in the drawings.

With respect to the specification objections, while Applicant did fix the mentioned informalities (except that on page 40, line 10, the specification describes continuing processing at block 1220 when the operator provides global transition voltages, however, as illustrated in Figure 12, the step of block 1220 is not completed in this situation) the Examiner pointed out in the previous Office Action (see paragraph 5) that the list of informalities was not inclusive. Some of the informalities still present in the specification are as follows:
On page 48, lines 23, 26, and 30, the "sort index array" is labeled as "604", "512", and "604".
On page 49, lines 27 and 28 and on page 50, line 5, "pulse locator" is incorrectly labeled "502" instead of "506" as it is labeled on page 49, line 2 and in Figure 5.
On page 51, lines 15 and 26 and on page 52, lines 16 and 28, the "measurements region" is incorrectly labeled "1004" instead of "1008" as it is labeled on page 50, line 29 and in Figure 10A.
On page 52, line 6, the "search criteria" is incorrectly labeled "420" instead of "520" on page 52, line 13 and in Figure 5.
On page 52, line 7, the "pulse locator" is incorrectly labeled "406" instead if "506" as it is labeled on page 52, line 18 and in Figure 5.
On page 52, line 8, the "search array" is incorrectly labeled "416" instead of "516" as it is labeled on page 49, line 28 and in Figure 5.
On page 52, line 22 and on page 53, line 5, the "search criteria" is incorrectly labeled "524" instead of "520" on page 52, line 13 and in Figure 5.
On page 53, line 2, the "selected pulse" is incorrectly labeled "1014" instead of "1004" as it is labeled on page 52, line 19 and in Figure 10A.

Applicant also failed to fix the following claim objection:
In claim 49, the claimed step is labeled as step "1)", however, parent claim 44 already contains a step "1)".

With respect to the rejection of claims 1-3, 24, 25, 44, 49, and 50 under 35 U.S.C. 103(a), Applicant argues the combination of Battista, Felps and Coulson for the following reasons:
First Applicant argues that since Battista "is particularly directed to automated real-time detection and waveform height analysis of pulses generated by a scintillation-type radiation detector . . . there would be no motivation to add automation features of either Felps or Coulson to an already automated system which the operator is required to not operate during measurement." The Examiner maintains that, as indicated in the previous Office Action, including the features of Felps allows an operator to store multiple waveforms and then return at a later time to process selected waveform, therefore, providing the operator an opportunity to select more specific measurements to be performed only on waveforms of interest.
Applicant then argues that there would be no motivation to "modify Battista with the consolidated display of a measurement and a statistical confidence level of that measurement as taught by Coulson" since Battista "already provides for simultaneously displaying multiple statistics including pulse height, region-of-interest count rate and gross pulse count." Applicant also argues that sinc "Battista discloses the continual measurement of a waveform, and produces a running total of gross pulse count and region-of-interest rate processing", adding "an ability to store a waveform for future processing would only serve to delay an operator from acquiring updated statistics and would not serve to save time but rater, would increase the time required to obtain waveform statistics." The Examiner contends that while pulse height, region-of interest count rate, and gross pulse count could be interpreted as statistical data, the combination of Battista, Felps, and Coulson, would have allowed the operator to determine more complicated and detailed statistical measurements over all of the acquired data such as average, standard deviation, median, or mode functions (see Coulson column 4, lines 5-13) by using a memory that stores the data and permits the operator to perform subsequent statistical analysis. This combination also would have allowed the display of both the entire group of data received over a range, rather than just instant data, simultaneously with the corresponding complicated statistical data for portraying more detailed and comparative information to the operator.

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